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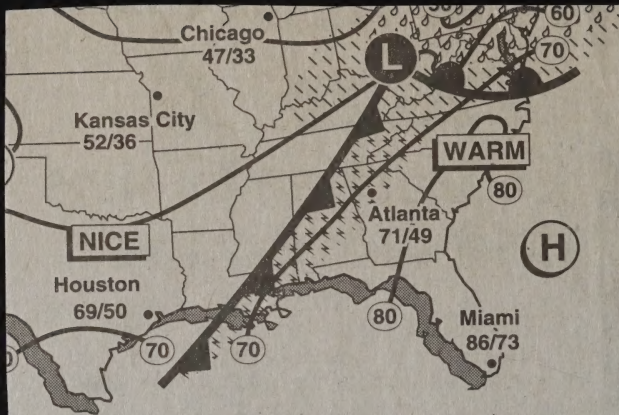
MILITARY



**Steffan: Had
been forced to
resign in 1987.**

Ex-midshipman wins fight over gay ban

A federal appeals court Tuesday, rejecting a ban on gays in the military as unconstitutional, ruled that former midshipman Joseph Steffan had been wrongly expelled from the U.S. Naval Academy. The court ordered that Steffan be allowed to graduate and be commissioned as an officer. **Complete report/A6**



systems and precipitation. Temperature lines are highs
 ow temperatures are given for selected cities.

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Fronts

Cold

Warm

Stationary

NATION

Court orders return of gay midshipman

Judges say ban based on prejudice

Associated Press

WASHINGTON — For a fifth time this year, a court has ordered a homosexual in the military restored to service. Six years after midshipman Joseph Steffan was forced to leave the U.S. Naval Academy, a court ordered him graduated and commissioned as a naval officer.

The decision Tuesday suggested that the final word on gays in the military may be spoken by the courts — likely the Supreme Court — and not by Congress or President Clinton.

"America's hallmark has been to judge people by what they do and not by who they are," Chief Judge Abner Mikva wrote for the three-judge panel of the U.S. Circuit Court of Appeals.

The panel said the Navy's ban on declared homosexuals was based on prejudice and served no legitimate purpose.

"It is fundamentally unjust to abort a most promising military career solely because of a truthful confession of a sexual preference different from that of the majority, a preference untarnished by even a scintilla of misconduct," the court held.

Steffan was forced to resign in 1987 — six weeks before his scheduled graduation in the top 10 percent of his class.

Steffan said, "The opinion underlies a very important reality . . . that no court decision, no action by Congress or the president or anyone, is going to change the fundamental reality that gay people have always served in the military, and we always will serve in the military."

Tuesday's decision did not deal with Clinton's new "don't ask, don't tell" policy on homosexuals in the military. But under the president's compromise policy, Steffan could have been discharged for having told a friend he was gay.

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